

06-30-08

PATENT

IF AF

Attorney Docket No.: 5470-368

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re: Ting et al.

Application No.: 10/511,989

Filed: May 25, 2005

For: CATERPILLER GENE FAMILY

Confirmation No.: 4540

Group Art Unit: 1633

Examiner: Michael D. Burkhardt

Date: June 27, 2008

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE
 BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated December 31, 2007 at least twice rejecting or finally rejecting claims 4, 16, 20, 55 and 56.

☒ Enclosed is a check in the amount of **\$720.00** (\$255.00 for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1) and \$465.00 [\$525.00 for a 3-month Extension of Time minus a previously paid \$60.00 for a 1-month Extension of Time paid on April 28, 2008 = \$465.00].

Applicant claims small entity status. See 37 CFR § 1.27.

☒ Please first reapply the previously paid 1-month extension of time fee, as submitted on April 28, 2008.

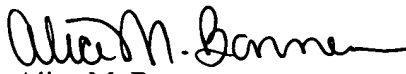
☐ Payment by credit card is requested. Form PTO-2038 is attached.

☒ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

☐ Also enclosed: _____

☒ The Commissioner is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,


 Alice M. Bonnen
 Registration No. 57,154

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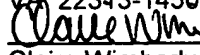
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Date of Deposit: June 27, 2008

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


 Claire Wimberly